



Royal College
of Nursing
Scotland

**RCN Scotland's response to the
Health, Social Care and Sport Committee's call for views
on the**

Abortion Services (Safe Access Zones) (Scotland) Bill

**This response was originally submitted
using a Scottish Parliament online form**

14 December 2023

Introduction

The Royal College of Nursing (RCN) is the world's largest nursing union and professional body. It is the leading national and international authority in representing the nursing profession. We represent over half a million nurses, student nurses, midwives, nursing associates and nursing support workers in the UK and internationally.

The RCN has over 48,500 members in Scotland. We campaign on issues of concern to nursing staff and patients, influence health policy development and implementation, and promote excellence in nursing practice.

Background

The Abortion Services (Safe Access Zones) Scotland Bill proposes to create “safe access zones” around places where abortion services are provided. These places are referred to as “protected premises” throughout the Bill. The Bill is not concerned with whether or not abortion services should be legal, and does not propose any changes to abortion law in Scotland. MSPs on the Scottish Parliament's Health, Social Care and Sport Committee are looking at the details of the Bill.

We didn't respond to every question and have only answered the ones relevant to nursing.

Consultation questions and RCN Scotland responses

Question 1 - Do you agree with the purpose of the Bill?

RCN Scotland response:

Yes, RCN Scotland supports the intention behind the Bill. Our members work in a variety of abortion services, as well as sites which include abortion services, and are therefore potentially impacted by protests. While we have not received a significant number of representations from members who feel threatened by protests at sites, we strongly support the principle that staff and services users should be able to access protected premises without any impediment or fear. We therefore support the creation of safe access zones around protected premises.

Our submission is based on the RCN's position statement on termination of pregnancy (induced abortion) published in 2013 and updated in 2020. The position statement outlines the RCN's aim to support our members “in providing the highest standards of compassionate care possible for women who choose to have a termination of pregnancy” and our commitment to “providing considerate/empathetic support to those nurses,

midwives and health care assistants who work to provide safe and quality care.” It goes on to state “We equally acknowledge and respect those nurses, midwives and health care assistants who have a conscientious objection within current legislation.” It is important to make clear that our support for the Bill does not in any way detract from this position of respect for members who have a legitimate and conscientious objection within current legislation on abortion.

Our response focusses on ensuring that our members and colleagues who work to provide compassionate, safe and quality care within these integral services can do so without being targeted and without intimidation and harassment in accessing their place of work.

As per the evidence in the consultation on the proposed Bill, pro-choice protesting activity remain isolated events unevenly spread outside sites that provide abortion services across Scotland. While we have received low levels of feedback from members impacted by these events, we are of the firm view that all staff, and those they care for, should be able to access protected premises without being targeted or obstructed and agree with the approach being taken in the Bill that these safe access zones should be applied consistently across the country at all relevant premises.

Question 2 - Do you agree that the Safe Access Zone radius around protected premises should be set at 200 metres?

RCN Scotland response:

We don't offer a view on the specific distance proposed but agree it must be wide enough to prevent protests simply relocating nearby.

Question 3 - What is your view on the proposed processes within the Bill to extend or reduce Safe Access Zone distances around protected premises in the event that 200m is not appropriate?

RCN Scotland response:

Currently, section 7 only allows for the operator of protected premises to apply for an extension of a safe access zone, if the current boundary does not adequately protect persons who are accessing, providing or facilitating abortion services.

RCN Scotland believes it would be beneficial for trade unions to have the power to apply to Scottish Ministers for an extension of a safe access zone in situations where members report a specific problem at a site. This could give trade unions the ability to ensure greater protection for our members in future. An alternative approach could be to set out in the Bill that trade unions have a formal role in being able to notify an operator that they believe an extension to a safe access zone should be applied for, with the operator being required to consider and respond to such requests.

Question 4 - Do you have any further comments about the Bill?

RCN Scotland response:

Peaceful picketing exemption

In our response to the consultation on the proposed Bill, RCN Scotland highlighted the need to ensure that nothing in the Bill impacts on legitimate trade union activity, including strike action and other legitimate forms of demonstrations by trade unions and their members. We therefore welcome the exemption included in section 6(d) which makes clear that a person does not commit an offence when engaging in conduct that is lawful under section 220 (peaceful picketing) of the Trade Union and Labour Relations (Consolidation) Act 1992.

However, we are seeking clarification as to whether this exemption needs to be broader than currently drafted. In the lead up to picketing during industrial action, a trade union would seek to carry out activities in workplaces to provide information about industrial action and/or support the balloting of members.

It could be argued that this type of trade union activity, which made reference to, or provided information about, withdrawing labour, may be an offence under the Bill, specifically section 4(1)(a). This is because this activity could amount to intentionally influencing the decision of staff to provide or facilitate services, albeit at a later date. We are therefore seeking clarification on this point to ensure that legitimate trade union activity, which does not constitute picketing, is excluded from the scope of the legislation. To ensure this is the case, it may be that an amendment is required to extend the current exemption to include activity leading up to picketing, including balloting members on potential industrial action.



Royal College
of Nursing
Scotland

Published: 14 December 2023